

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MYRON MASHONE LEWIS,

Plaintiff,

v.

Case No. 16-cv-378-pp

GREGORY D. HOPPE,

Defendant.

DECISION AND ORDER REGARDING PLAINTIFF'S CASE

The plaintiff, who is representing himself, is confined at the Milwaukee County Jail. He filed a complaint alleging that defendant Detective Gregory D. Hoppe and other officers of the Greenfield Police Department entered his home without a warrant, probable cause, exigent circumstances, or consent, in violation of the Fourth Amendment. Dkt. No. 1. On May 24, 2016, the court screened the complaint, and stayed the case pursuant to the Younger abstention doctrine because the criminal case from which the allegations in this case arose was ongoing. Dkt. No. 7 at 5-6; Younger v. Harris, 401 U.S. 37, 45 (1971). The court advised the plaintiff that in order for it to consider the plaintiff's claims, he must complete his sentencing and then exhaust all of his appellate, or post-conviction, options in state court. Dkt. No. 7 at 6.

On July 11, 2016, the plaintiff filed a letter stating that on July 7, 2016, he had been sentenced in his criminal case (State of Wisconsin v. Myron Mashone Lewis, Milwaukee County Case Number 2015CF003427). Dkt. No.

10. He also stated that he “put in a post conviction relief.” *Id.* (The court assumes the plaintiff means that he filed a motion under Wis. Stat. §974.06, “Postconviction Procedure.”) Finally, on July 14, 2016, the plaintiff filed a letter indicating that he might wish to file an amended complaint, and asking if he should bring any new allegations in a new case, or bring them by way of an amended complaint in this case. Dkt. No. 11.

As the court previously told the plaintiff, only when the plaintiff has litigated his claims to the *highest state court* can this court consider his claims. Because the plaintiff is just now beginning his appeal, the court will not lift the stay at this time.

With regard to the information the plaintiff indicates that he has learned recently, that information appears to relate to additional alleged Fourth Amendment violations which the plaintiff argues were committed in the context of his criminal case. Once the court lifts the stay in this federal case, the plaintiff may—if he believes that the additional information should be part of his federal case—file an amended complaint.

The court **ORDERS** that this case shall remain **STAYED** pending final resolution, from the highest court in Wisconsin, of Milwaukee County Case Number 2015CF003427. It is the plaintiff’s responsibility to file a motion to lift

the stay after he has completed litigation of the criminal case at every level of the state court system.

Dated in Milwaukee, Wisconsin this 26th day of July, 2016.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge